Agency studies limited

ACTIVISTS SOUND ALARM OVER TROUBLING BIOACCUMULATIVE POLLUTANT

Bay Area environmentalists are urging regulators to crack down on polybrominated diphenyl ethers (PBDEs), a pollutant much like PCBs and dioxins that many stakeholders believe will be among the next generation of pollutants requiring tight controls due to severe human health impacts. While the pollutant is on Cal/EPA's radar screen, resources are not available to study or monitor PBDE, according to sources.

PBDEs are considered to be present in the San Francisco Bay, possibly at high levels, according to sources. Beyond that, regulators are unsure of basic facts, such as sources, levels in water bodies and what types of health impacts are posed by ingestion of PBDEs, sources said. PBDEs were most widely used as a flame retardant in clothes and other products; they can be washed out of clothes during laundry and run off into waterways as part of wastewater. Waste incinerators may also produce the compound, but regulators have not made such a confirmation. Potential health impacts resulting from PBDE ingestion include cancer, endometriosis and other complications, according to sources.

The compound has been found in San Francisco Bay Area harbor seals and women's breast fat, according to a Communities for a Better Environment (CBE) source. The group wants regulators to tackle the issue soon because it is certain PBDEs are an emerging problem that will only become worse if regulators continue "to sit on their hands," the source said.

Two Cal/EPA scientists published a paper on the subject in June 1999, finding that PBDEs are the PCBs of the future, according to sources. The paper cites Swedish findings that PBDE levels double every five years and other international data showing the compound is passed to infants through breast milk. The paper represents the most in-depth Cal/EPA research on the matter, the CBE source said.

The San Francisco regional water board is studying the pollutant but is not in a position to take any action toward monitoring or studying it more, mainly due to limited resources, according to a regional board source. The Office of Environmental Health Hazard Assessment is in the same bind. OEHHA sets fish consumption advisories in the bay, but does not have the resources to examine PBDE in fish tissue, nor is it able to expand the types of fish included on its advisory list, an OEHHA source said.

Environmentalists want regulators to push for more research funding. CBE recommends examining sources and requiring responsible parties to pay human health impact studies and remediation work, the source said.

CAL/EPA SCIENTISTS BASH SLOW ARB ACTION TO LIST TOBACCO SMOKE AS TAC

Cal/EPA's scientific advisory panel is insisting the air board immediately begin the process to list environmental tobacco smoke (ETS) — or second-hand smoke — as a toxic air contaminant, arguing the board is taking way too much time to crack down on a pollutant they warn has extremely high exposures, especially to children. The panel rejects the air board's claims that it will decide in the next two weeks whether to proceed, and plans to send a letter to the board's executive officer calling for swift action.

Scientific Review Panel (SRP) members first spoke out about the Air Resources Board's inaction at a meeting last December, where members said they wanted the board to consider ETS as a TAC; however, panel members said they did not want to advocate policy, which oversteps the SRP's charter. SRP members are growing more frustrated as ARB continues to postpone a decision on how to proceed.

ETS is listed on an ARB rulemaking calendar for action by staff this December, but SRP members are not convinced ARB plans to actually move ahead with TAC consideration. The SRP in 1997 approved a Cal/EPA risk assessment report finding ETS meets TAC requirements, but ARB has not taken the next step to pursue a TAC listing.

During their May 14 meeting in South San Francisco, SRP members expressed regret that ETS was not included in the health hazard assessment's prioritization of TACs under the Children's Environmental Health Protection Act because it is not listed as a TAC. Officials had expressed concerns that it could be the most significant pollutant impacting children's health. The SRP passed a resolution directing SRP Chairman John Froines to write to ARB Executive Officer Mike Kenny, "requesting this issue be moved forward as expeditiously as possible," Froines said. The letter is expected to be sent within the next few weeks, sources said.

When questioned about what is holding up ETS consideration, Janette Brooks, ARB air quality measurers branch chief, said staff is waiting for Kenny to approve a letter to the panel, which stakeholders speculate will initiate the TAC process. Brooks added that because ETS is not a hazardous air pollutant, its TAC listing is not automatic, as was the case for diesel exhaust, which was listed as a TAC following heated disputes with engine makers, truckers and the oil industry.

SRP rejected assertions from Brooks and an ARB staffer that Kenny will make a decision in the next week about whether to proceed with a TAC listing. "We've been told over and over again by ARB that it is going to be dealt with in the next two weeks," SRP member Stanton Glantz said. "On this specific issue, ARB has not been

PM3006449886

Source: https://www.industrydocuments.ucsf.edu/docs/zhjj0001

responsive to the suggestions of this panel."

Glantz said that legally he understands why ETS cannot be added to the prioritization, but said that "from a scientific perspective it's really embarrassing." SRP member Gary Friedman said he is "bothered by [ETS'] absence" in the prioritization.

A few SRP members and several stakeholders have speculated that ARB is reluctant to move on ETS because it is a political hot potato. It is unclear how ARB would regulate ETS if listed as a TAC because it is not emitted from a stationary or mobile source that is clearly under ARB's purview, stakeholders said.

The Office of Environmental Health Hazard Assessment agreed to add a statement to the prioritization report stating that while, "on biological grounds, ETS could have been a priority" because it is not listed as a TAC, it could not be included.

SRP DIRECTS OVERHAUL OF CHILDREN'S RISK REPORT . . . begins on page one

and which deeply concerns the panel. "Table XX" lists the 35 TACs not included in the top two children's health chemical risk tiers drafted by OEHHA, which will receive the most attention by the Air Resources Board for possible tighter emission regulations. The table also includes explanations of why the 35 chemicals were considered unworthy of a high ranking. *The table is available at our website, InsideEPA.com. See page 12 for details.*

Blanc said he selected a handful of the 35 TACs in the table and performed his own cross-check, which turned up information contradicting the reasons OEHHA gave for assigning the TACs lower priorities. OEHHA reported that carbon disulfide, manganese and methylene chloride were assigned a lower priority because of inadequate data, based on literature searches from outside consultants. But Blanc said that in four hours he was able to turn up numerous relevant studies that were overlooked.

"Table XX is fatally flawed," Blanc told OEHHA officials. "I'm raising a fundamental question about the quality of hired-out work. . . . I'm really angry. You are asking me to put my name on a scientific approval of something."

Other SRP members shared Blanc's concern about approving the document, which may threaten Cal/EPA's drive to wrap up the prioritization report by a legislatively mandated July 1 deadline.

The SRP will meet again in June to give OEHHA more time to reconsider several TACs, but members said it may be better for Cal/EPA to only select the top five TACs needing first priority, to comply with the minimum number required by law, instead of sticking with the two-tier draft. SRP Chairman John Froines said the panel may have trouble signing off on the report by the deadline, "given the level of uncertainty."

George Alexeeff, OEHHA deputy director for scientific affairs, told the panel that the deadline is OEHHA's responsibility, and the SRP does not have to sign off on the document before it is comfortable, merely to meet the deadline. Alexeeff said OEHHA Director Joan Denton would not adopt the report without the SRP's approval, even if the deadline is missed.

OEHHA will amend summaries for carbon disulfide, manganese and methylene chloride by the next meeting and reconsider the rankings for arsenic, butadiene, chlorine, methanol, methyl bromide, perchloroethylene, toluene and xylene, staffers said. If the two top tiers remain as originally drafted, SRP members suggested ARB expand the number of TACs because more pollutants require quick attention, and they say the 11 currently ranked among the top is an arbitrary number.

Acetaldehyde should also be given special consideration because exposure could come from ethanol use in gasoline, and it appears to contribute to fetal alcohol syndrome, the SRP said. If ethanol is used to replace methyl tertiary butyl ether in gasoline, then acetaldehyde should be given an extra look, Froines suggested.

Methyl bromide is among the 35 TACs receiving a lower priority consideration, though the statute specifically excludes pesticide use from consideration. Methyl bromide is a unique case because its fumigation chambers are regulated by air districts, according to OEHHA officials.

TACs causing developmental effects are within the scope of the law, and can be included in the prioritization, according to OEHHA Chief Counsel Colleen Heck. ARB counsel agrees with OEHHA's legal opinion that the law says the goal is to protect "infants and children from effects and impacts of air pollution," and while developmental toxicity is not specifically mentioned in the law, the law should be interpreted broadly in the favor of being more protective, Heck said. TACs that cause fetal exposures impacting development in a way that produces childhood problems should be considered, according to OEHHA. Blanc asked that the document specifically note that Cal/EPA is not stating that a fetus is a child, and specify that decisions to include developmental toxicants are not because of fetal impacts, but problems they produce after a child is born.

PM3006449887

Source: https://www.industrydocuments.ucsf.edu/docs/zhjj0001